

A. G. Contract No. KR902534TRD  
ECS File: JPA-90-129  
Project: US-60  
Section: MP 144.30 to 145.93

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF EL MIRAGE

THIS AGREEMENT is entered into 20 November 1990,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
CITY OF EL MIRAGE, acting by and through its CITY COUNCIL (the  
"City").

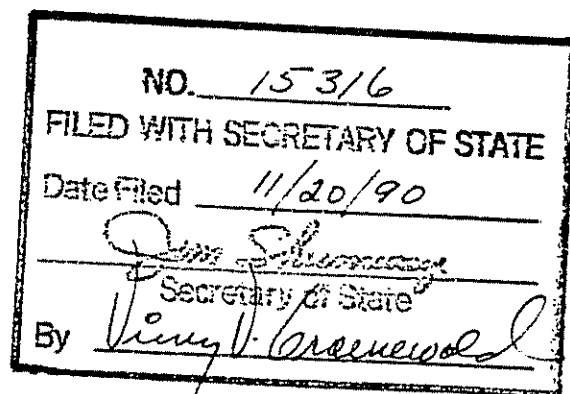
I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the City.

3. The State and City desire to define their respective  
responsibilities for the maintenance of US-60 within the limits  
of the City.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:



## II. SCOPE OF WORK

### 1. The State will:

Be responsible for any required betterments to US-60 including; reconstruction of roadway, curbs, medians and traffic channelization; bridges and drainage; guardrails and fences; highway striping; transportation permits (such as overweight, overwidth and overheight, as prescribed by law); and permits for highway right of way encroachments and use.

### 2. The City will:

Provide routine maintenance of shoulder and median areas which shall be limited to mowing and litter removal.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, AZ 85007

City of El Mirage  
City Manager  
14405 N. Palm Street  
El Mirage, AZ 85335

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

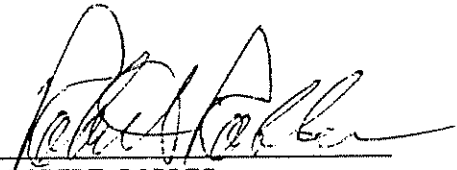
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF EL MIRAGE

STATE OF ARIZONA

Department of Transportation

By

  
ROBERT ROBLES

Mayor of El Mirage

By

  
AUGUST V. HARDT

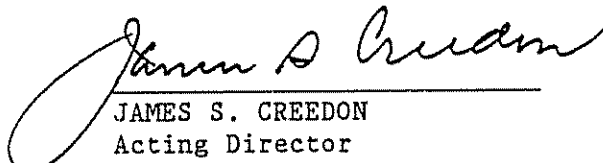
Deputy State Engineer

3110j  
21SEP

RESOLUTION

BE IT RESOLVED on this 24th day of September 1990, that I, JAMES S. CREEDON, as Acting Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of El Mirage for the purpose of defining responsibilities for the construction of improvements to SR-82 in the City.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

  
\_\_\_\_\_  
JAMES S. CREEDON  
Acting Director  
Arizona Department of  
Transportation



# CITY OF EL MIRAGE

ROBERT ROBLES  
MAYOR

ARTHUR MORENO  
VICE MAYOR

CELESTINO ARIAS  
COUNCILOR

DAVID SANDOVAL  
COUNCILOR

JOHN GARZA  
COUNCILOR

MAGGIE REESE  
COUNCILOR

ROBERTO RODRIGUEZ  
COUNCILOR

## RESOLUTION NO. R90-10-052

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA APPROVING AN INTER-GOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF EL MIRAGE AND ARIZONA DEPARTMENT OF TRANSPORTATION FOR CERTAIN MAINTENANCE OF US-60 WITHIN THE CITY LIMITS, AND AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND EXECUTE SAID AGREEMENT.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of El Mirage:

THAT certain intergovernmental agreement by and between the City of El Mirage and Arizona Department of Transportation providing for the performance of certain maintenance of US-60 within the corporate limits of El Mirage is hereby approved; and

THAT, the Mayor is hereby authorized and directed to sign and execute said agreement on behalf of the City of El Mirage.

PASSED AND ADOPTED by the Mayor and Common Council of the City of El Mirage, Arizona, this the 25th day of October, 1990.

\_\_\_\_\_  
Robert Robles, Mayor

ATTEST:

APPROVED AS TO FORM:

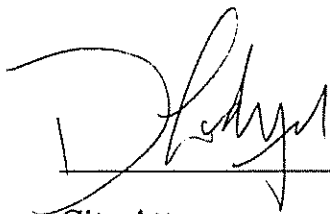
Rosalinda Herrera  
Rosalinda Herrera  
City Clerk

Paul Faith  
Paul Faith,  
City Attorney

APPROVAL OF THE EL MIRAGE CITY ATTORNEY

*I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF EL MIRAGE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.*

DATED this 25th day of October, 1990.

  
\_\_\_\_\_  
City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR90-2534 TRD, is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 9<sup>th</sup> day of November, 1990.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division